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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,365	12/29/2000	Lee Weinstein		8453

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LEE WEINSTEIN  
35 FAIRMONT ST #3  
ARLINGTON, MA 02474

[REDACTED] EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/752,365	WEINSTEIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Barry W Taylor	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-76 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-76 is/are rejected.  
 7) Claim(s) 46 and 47 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 46-47 objected to because of the following informalities: Claim 46 depends upon claim 46. It appears that claim 46 depends upon claim 5. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-7, 13-14, 29-30, 33-37, 45, 51-57 and 63-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Glenn et al (5,907,677 hereinafter Glenn).

Regarding claims 1-7 and 51-57. Glenn teaches a method and apparatus facilitating the placing of conference multiple outbound telephone calls (entire disclosure):

using and interconnected computer (figures 1-2, abstract);  
an outbound call engine for placing a plurality of outbound calls (col. 2 lines 44-45),

call conferencing means capable of connecting a plurality of outbound calls together (abstract, col. 3 lines 1-67, col. 4 line 43 – col. 5 line 67).

Regarding claims 13 and 63. Glenn teaches using a website. See figure 1 wherein both “ChatCall WEB SERVER” and “PEOPLELINK WEB SERVER” are used. Glenn is very clear that a Chat Server (col. 3 line 3) is used as if newsgroups were a live discussion rather than postings (col. 1 lines 56-57). Glenn even discloses that even though figure 1 only shows two subscribers a plurality of subscribers with a plurality of connections is used (col. 3 lines 6-30).

Regarding claims 14 and 64. Glenn teaches timing telephone connections (col. 4 line 43+).

Regarding claim 29. Glenn teaches web-based dialing (column 3).

Regarding claim 30. Glenn teaches using encrypting techniques (col. 3 line 43).

Regarding claims 33-37. Glenn teaches using temporary membership (columns 3-4).

Regarding claim 45. Glenn teaches using an electronic billing method (col. 4 lines 36-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 9-12, 15-17, 22, 27, 38-44, 59-62, 65-67 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al (5,907,677 hereinafter Glenn) in view of Fitser et al (5,631,904 hereinafter Fitser).

Regarding claims 9-11, 15-17, 27, 43-44, 59-61 and 65-67. Glenn does not explicitly show indicating whether each customer is billable for calls they set up and whether they are billable for calls others set up to them or whether each customer is willing to "split" the charge.

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Fitser teaches methods and apparatus for automatically establishing conference call to a pre-selected list of prospective participants to the conference call (Title, abstract). Fitser discloses that conference calls may be placed at a predetermined time in the future. For example, a subscriber may pre-arrange to have a conference call with the "family" calling group at a specified date and time in the future when all members of the group will be available, perhaps a week in advance. Alternatively, the subscriber may schedule a conference call to be held every Sunday evening at 8 p.m. with the "family" calling group (col. 4 lines 27-42). Fitser even discloses the cost of the conference call can be billed to the subscriber or shared among the participants to the call (col. 1 lines 45-67, col. 2 lines 54-67, col. 4 lines 43-67, col. 5 line 27 – col. 6 line 65).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the conference calls as taught by Glenn to place the conference calls at a specified date and time wherein each participant to the conference call pay a respective share of the cost as taught by Fitser for the benefit of having a conference call with the "family" every Sunday evening as taught by Fitser.

Regarding claims 12, 22, 38-42, 62 and 72. Glenn does not explicitly show conference calls placed at pre-determined times.

Fitser teaches methods and apparatus for automatically establishing conference call to a pre-selected list of prospective participants to the conference call (Title, abstract). Fitser discloses that conference calls may be placed at a predetermined time

in the future. For example, a subscriber may pre-arrange to have a conference call with the "family" calling group at a specified date and time in the future when all members of the group will be available, perhaps a week in advance. Alternatively, the subscriber may schedule a conference call to be held every Sunday evening at 8 p.m. with the "family" calling group (col. 4 lines 27-42).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the conference calls as taught by Glenn to place the conference calls at a specified date and time as taught by Fitser for the benefit of having a conference call with the "family" every Sunday evening as taught by Fitser.

4. Claims 8, 18-19, 28, 58 and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al (5,907,677 hereinafter Glenn) in view of Leipow (6,148,067) or DeSimone (6,175,619).

Regarding claims 8, 18-19, 28, 58 and 68-69. Glenn does not explicitly show conference being prepaid. However, Glenn indeed discloses using credit card, Cybercash, or other form (column 4).

Leipow teaches anonymous voice communication having accounting schemes where the users may select a method for paying for the anonymous voice communication. For example, each user may choose to pay for their portion or the users may subscribe to an anonymous voice communication service where a certain number of minutes are covered under a basic rate (col. 7 lines 33-57).

DeSimone also teaches anonymous voice communication using a Participant Authorization Code (PAC) so that Chat rooms may be fixed time or indefinitely (col. 1 lines 29-37, col. 5 lines 18-47, col. 6 line 8 – col. 7 line 48).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the teaching of Glenn to accounting schemes taught by Leipow or DeSimone so that conference calls may be time limited.

5. Claims 20-21, 23-26, 31-32, 48, 70-71 and 73-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al (5,907,677 hereinafter Glenn) in view of Tatchell et al (5,999,611 hereinafter Tatchell).

Regarding claims 20-21, 23-26, 31-32, 48, 70-71 and 73-76. Glenn does not explicitly show call screening having private mail message.

Tatchell teaches call screening wherein a private message may be left by the caller (columns 1-3, column 7-8, col. 9 lines 15-23). Tatchell even shows that that a voice message may be left if the caller supplies the correct DTMF signal (col. 10 line 24 - col. 13 line 67, col. 17 line 38 – col. 20 line 7, col. 21 line 38 – col. 23 line 52).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the teachings of Glenn to include call screening as taught by Tatchell for the benefit of only receiving private messages.

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6. Claims 46-47 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al (5,907,677 hereinafter Glenn) in view of Slotznick (5,983,200).

Regarding claims 46-47 and 49-50. Glenn does not explicitly show offering professional service. Glenn shows that Cybercash may be unique to a predetermined group of subscribers (column 4).

Slotznick teaches using a human expert on the web page to propose solution to a problem (see advice of Martha Stewart column 14).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the teaching of Glenn to offer advice from expert as taught by Slotznick so that billing may be charged with respect to advice offered.

Regarding claims 49-50. Glenn fails to show auctioning service time on the web. Slotznick teaches using a human expert on the web to propose a solution to a problem (see advice of Martha Stewart column 14). It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the teaching of Glenn to offer advice from expert as taught by Slotznick so that billing may be charged with respect to advice offered.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.



CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600